

**MINUTES OF THE  
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**

April 18, 2000 -- 10:00 a.m. -- Room 416 State Capitol

**Members Present:**

Sen. Lyle W. Hillyard, Senate Chair  
Rep. Nora B. Stephens, House Chair  
Rep. Trisha Beck  
Rep. Matt Throckmorton

**Members Excused:**

Sen. Gene Davis

**Staff Present:**

Mr. Mark D. Andrews,  
Research Analyst  
Mr. R. Chet Loftis  
Associate General Counsel  
Ms. Tracey Fredman  
Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. **Call to Order** -- Chair Stephens called the meeting to order at 10:10 a.m.

**MOTION:** Rep. Throckmorton moved that the minutes of the November 22, 2000 meeting be approved. The motion passed unanimously.

2. **Review of Legislation from the 2000 Annual General Session** -- Mr. Loftis distributed "Child Welfare Legislation in 2000 General Session" and explained that each of the child welfare bills that passed was identified by subject in the handout. Mr. Loftis also distributed "Child Health, Safety, and Welfare Legislation, 2000 Annual General Session, Utah Legislature." He explained that the latter handout included bills introduced in other areas that are related to children, including those that did not pass.

3. **Discussion of Potential Studies for the 2000 Interim** -- Mr. Andrews distributed "Potential Study Items for 2000 Interim." He briefly highlighted items contained in the memo. Topics included (1) "last year's recommendations by child welfare entities," (2) "last year's recommendations considered but not passed during session," (3) "this year's recommendations by child welfare entities," and (4) "this year's "Master Study Resolution."" Mr. Andrews also noted that concerns raised by consumers at the November meeting could be the subject the Panel's consideration.

The Panel discussed insurance coverage available to adoptive families and funding issues for the Division of Child and Family Services.

Rep. Stephens asked the panel to mark six items from the memo that they felt should be addressed during the remaining interim meetings and to turn those into the Chairs so that they could be prioritized. She also invited members of the audience to do the same.

Ms. Kristin Brewer, director, Office of the Guardian Ad Litem, distributed "Court Improvement Grant Steering Committee List." She explained that the Court Improvement Committee deals with federal funds that have been appropriated to study the court and child welfare system and their interactions, and to suggest improvements. Ms. Brewer introduced several issues raised by the committee. One of these issues was cooperative adoption, wherein the birth and adoptive parents would enter into an agreement that would allow visitation or other appropriate activities which would be in the best interest of the child. Ms. Brewer also discussed some barriers to permanency. She introduced the idea of kinship support. Mr. Ken Patterson, Director, DCFS, said it is important to consider the resources necessary for the support of kin in the same way that foster parents receive support from the division.

Mr. Patterson distributed the charts "Average Months Adoption Cases Open" and "Finalized Adoptions by Year." He talked briefly about the funding limitations of adoption subsidies. Mr. Patterson said that if additional subsidies were not made available, then there will be more children staying in foster care longer. He said there might also come a time when case workers would have to make tougher decisions about removal of children in abusive situations because there might not be a place to put the child if foster care is full.

Ms. Brewer brought up the issue of time frames under the law. She said that the last time frame set in statute is the 12-month permanency hearing and a pretrial on the petition to terminate parental rights. It doesn't give a finite date for when that trial needs to be finalized. Ms. Brewer explained that because of this, and due to crowded court calendars, there have been delays in getting through the trials. She said the system needs some increases to continue to handle the volume so the trials can be completed. This would impact juvenile court judges, the Guardian Ad Litem Office, DCFS, the Attorney General's Office, and the Child Welfare Mediation Program.

Ms. Brewer talked about the parents' defense counsel. She explained that the 1994 Child Welfare Reform Act funded all the other participants in the child welfare system. She said that the parents' counsel is typically handled on a county basis so that in some rural areas there may be only one attorney to handle representation of criminal defendants, juvenile delinquents, and parents in these abuse/neglect cases over a three county area.

**4. Update on David C. v. Leavitt** -- Ms. Annina Mitchell, Deputy Solicitor General, Attorney General's Office, explained that in September, 1998 Judge Campbell declined to enforce the termination provision of the consent decree entered into in the summer of 1994. Ms. Mitchell said that the termination provision was to end the agreement in four years. She further explained that Judge Campbell instead directed the defendants and plaintiffs to enter into further negotiations and come up with a whole new plan by which DCFS would operate the child welfare system. The new comprehensive plan was completed and approved in the fall of 1999. She said that in October, Judge Campbell issued her final decision ordering the division to follow the plan.

It was from that final decision that the defendants filed their appeal which challenges the refusal to enforce the four-year termination provision. The appeal will be considered by the 10<sup>th</sup> Circuit Court of Appeals in Denver. A ruling is expected by next spring.

**5. Update on Utah Children v. Utah State Board of Child and Family Services** -- Ms. Peggy Stone, Attorney General's Office, said the lawsuit is presently in a kind of stasis mode, that a motion to dismiss and a motion for a judgment on the pleadings have been filed and are now before the court. Ms. Stone explained that United Families International and Tapestry of Polygamy filed a friend of the court brief in support of the State's position. She said that during the legislative session House Bill 103 passed. She explained that the bill amended the Child Welfare Act and changed the adoption rule prohibiting people that are cohabiting from being adoptive parents. Ms. Stone said that at the last meeting, the Board of Child and Family Services enacted a new policy to conform with the new state statute.

**6. Report on Employee Retention** -- Mr. Ken Patterson distributed "DCFS Turnover Study" and introduced Dr. Harris of the Social Research Center at the University of Utah, Graduate School of Social Work. She explained that the Graduate School of Social Work was requested by DCFS to conduct the employee turnover study. She said that nationally there's a 30 to 40% turnover rate for child welfare workers. Dr. Harris briefly summarized how the study was done and highlighted some of the survey results. She indicated that the biggest single issue for DCFS staff is salary. Dr. Harris said the salaries offered to Utah workers was lower than salaries of comparable positions in surrounding states. She said that other critical issues included internal environment and staff moral, inadequate supervision, and training. Dr. Harris also pointed out a number of significant strengths within the division which included staff qualifications, staff commitment to children and families, and a new training initiative.

**7. Foster Parent Survey Report** -- not discussed.

**8. Interim Planning** -- The next meeting will be Friday, May 12, 2000 at 10:00 a.m. The Panel will meet on the second Friday of each month.

**9. Adjourn** -- The meeting was adjourned at 12:00 p.m.

